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10/518,411	12/17/2004	Toru Hibara	26460U	7754

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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/518,411	HIBARA ET AL.	
Office Action Summary	Examiner	Art Unit	
	FREDA NELSON	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>September 29, 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The amendment received on September 29, 2008 is acknowledged and entered.

Claim 14 has been amended. No claims have been added. Claims 1-25 are

currently pending.

Response to Amendments and Arguments

Applicant's arguments filed September 29, 2008 have been fully considered but

they are not persuasive.

In response to Applicant's argument that in regards to claim 1, Maruta et al. fails

disclose an area coverage calculation section for calculating an area coverage by image

forming material defined by an area of a print sheet covered with image forming material

when printing the image data on the print sheet, the Examiner respectfully disagrees.

Maruta et al. discloses Cost calculation will be described hereinafter with

reference to FIGS. 7A-10. Cost calculation is based on the type of document

corresponding to the defined document size (large/small) and ACS determination result

(black-and-white/color), and the number of documents for each type (col. 10, line 20-55;

FIGS. 5, 8A-8C). Maruta et al. further discloses then, an output color process is carried

out which is the calculation of the unit cost of a sheet according to the output

color (#740). These values are totaled to obtain printing cost PF (#742).

When calculation of printing cost PF for all image files DF is completed (#744; YES), the

main routine ends (col. 23, lines 43-57). Maruta et al. still further discloses Cn is a

variable indicating the number of dots in the color region. The number of dots in the

gray scale range of 0-255=total sum is obtained out of each frequency (h1(n)) of

histogram 1 and substituted into Sn. Sn is the sum of the total frequency of histogram

1=the total number of pixels in the document. In FIG. 5, Wn is the number of dots in the

background (white) region of the document, Mn the number of dots in the halftone

(gray) region of black-and-white in the document, and Bn is the number of dots in the

black region in the document (col. 8, lines 59-col. 9, line 8). {The Examiner interprets

this to mean the pixels, as well as color, is used to calculate cost}.

Examiner's Note

With respect to the Official Notice taken in the previous office action, Examiner

notes the following discussion of Official Notice taken from the MPEP:

> To adequately traverse such a finding, an applicant must specifically point out the supposed
>
> errors in the examiner's action, which would include stating why the noticed fact is not considered
>
> to be common knowledge or well-known in the art. See 37 CFR 1.1 ! l(b). See also Chevenard,
>
> 139 F.2dat 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner
>
> to produce authority for his statement, we will not consider this contention."). A general allegation
>
> that the claims define a patentable invention without any reference to the examiner's assertion of
>
> official notice would be inadequate. If applicant adequately traverses the examiner's assertion of
>
> official notice, the examiner must provide documentary evidence in the next Office action if the
>
> rejection is to be maintained. See 37 CFR 1.104(c)(2). See also Zurko, 258 F.3dat 1386, 59
>
> USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record
>
> in support of these findings" to satisfy the substantial evidence test). If the examiner is relying on
>
> personal knowledge to support the finding of what is known in the art, the examiner must provide
>
> an affidavit or declaration setting forth specific factual statements and explanation to support the

finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official

notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next

Office action that the common knowledge or well-known in the art statement is taken to be

admitted prior art because applicant either failed to traverse the examiner's assertion of official

notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should

include an   explanation as to why it was inadequate. (MPEP § 2144.03(C)).

Applicant has not "specifically pointed out the supposed errors in the Examiner's

action, which would include stating why the noticed fact is not considered to be common

knowledge or well-known in the art." For these reasons, the limitations for which Official

Notice was taken in claims 9 and 14 are considered to be admitted prior art because

Applicant has not proffered an adequate traversal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English
language.

1.   **Claims 1-8, 10-13, and 15-25 are rejected under 35 U.S.C. 102(b) as being**

anticipated by Maruta et al. (US Patent Number 6,516,157).

As per claims 1, 8, 18, and 22, Maruta et al. discloses an information processing apparatus for transmitting inputted image data to a printing machine connected via an electronic network and making the printing machine execute printing, the information processing apparatus comprising:

a cost information register section for registering printing cost information for each of a plurality of printing machines connected via the electronic network (col. 11, lines 23-45; col. 11, lines 59-64; abstract);

an area coverage calculation section for calculating an area coverage by image forming material defined by an area of a print sheet covered with image forming material when printing the image data on the print sheet (col. 8, line 59-col. 9, line 8);

and a printing cost calculation section for calculating a printing cost for printing the image data, based on the area coverage by image forming material, printing cost information for each of the plurality of printing machines, and a print count of the image data (col. 9, lines 19-24).

As per claims 2, 11, 19, and 23, Maruta et al. discloses the information processing apparatus according to claim 1, further comprising:

a printing machine selection section which selects a printing machine of the minimum printing cost from among the printing cost of the plurality of printing machines calculated at the printing cost calculation section (col. 18, line 66-col. 19, line 6); and

an image transmission section which transmits the image data to the selected printing machine at the printing machine selection section via the electronic network (col. 18, line 66-col. 19, line 6).

As per claims 3, 12, 20, and 24, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the printing cost calculation section calculates the printing cost for printing the image data for each of the plurality of printing machines connected via the electronic network, based on printing cost information, the print count of the image data, and a print density of the image data (FIGS 23, 29, and 32).

As per claims 4, 13, 21, and 25, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the area coverage calculation section comprises:

a sampling section sampling the image data at a predetermined sampling space (col. 7, lines 54-60; col. 8, lines 5-28; FIG. 4);

a binary coding section converting sampled image data obtained at the sampling section to binarized image data consisting of black pixels and white pixels (col. 8, lines 5-58);

a black pixel counting section counting black pixels of the binarized image data obtained at the binary coding section (col. 8, lines 5-58); and

a black pixel area calculation section calculating the area coverage by image forming material based on the number of black pixels counted at the black pixel counting section, the sampling space, and a resolution of the printing machine (col. 8, lines 5-58).

As per claim 5, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is an image input apparatus transmitting the inputted image data from an image reading section to the printing machines connected via the electronic network (col. 13, lines 32-35; FIGS. 13 and 14).

As per claim 6, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is a personal computer transmitting the inputted image data from an application program to the printing machine connected via the electronic network (FIGS. 11 and 12).

As per claim 7, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is a server transmitting the inputted image data from an application program to the printing machine connected via the electronic network (col. 25, lines 6-22).

As per claim 10, Maruta et al. discloses the recording medium according to claim 8, wherein the information processing program causes the calculated printing cost for each of the plurality of printing machines to be displayed on a display device (col. 2, line 66-col. 3, lines 19)

As per claim 15, Maruta et al. discloses the recording medium according to
claim 8, wherein the information processing apparatus is an image input apparatus
transmitting inputted image data from an image reading section to the printing machine
connected via the electronic network (col. 13, lines 32-35; FIGS. 13 and 14); and

wherein the information processing program is a firmware program of the image
input apparatus (col. 12, line 57-col. 13, line 11).

As per claim 16, Maruta et al. discloses the recording medium according to
claim 8, wherein the information processing apparatus is a personal computer
transmitting the inputted image data from an application program to the printing
machine connected via the electronic network (col. 25, lines 6-35); and

wherein the information processing program is a virtual printer driver handing
over the image data to a printer driver program for a selected printing machine (col. 12,
line 66-col. 13, line 11).

As per claim 17, Maruta et al. discloses the recording medium according to
claim 8, wherein the information processing apparatus is a server transmitting the
inputted image data from the application program to the printing machine connected via
the electronic network (col. 25, lines 6-35); and

wherein the information processing program is a virtual printer driver handing
over the image data to the printer driver program for the selected printing machine (col.
12, line 66-col. 13, line 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

2.   **Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Maruta et al. (US Patent Number 6,516,157).

As per claim 9, Maruta et al. do not expressly disclose the recording medium

according to claim 8, wherein the printing cost calculation process calculates the

printing cost with the parameters: "J" is a printing cost; "P_{master}" is a unit price of a stencil

sheet;

"$P_{print sheet}$" is a unit price of the print sheet; "P_{ink}" is a unit price of image forming

material;

"S" is the area coverage by image forming material; and

"N" is a print count, and with the equation,

$J = P_{master} + (P_{print sheet} + P_{ink} \times S) \times N$

However, the Examiner takes Official Notice that it is old and well known in the

printing industry to use a particular algorithm, calculation, expression, equations, or

formula in order to calculate costs for performing printing jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maruta et al. to include the feature of using parameters and equations for calculating the cost of a print job.

As per claim 14, Maruta et al. does not expressly disclose the recording medium according to claim 13, wherein the area coverage calculation process calculates the area coverage by image forming material of the image data with the parameters,

"S" is a area coverage by image forming material;

"A" is a print sheet area;

"$N_{black-pixel}$" is number of black pixels;

"R" is a resolution equivalent to that of the printing machine;

"R1" is a resolution of the printing machine;

"M" is a sampling space;

"LI" is a lateral length of the print sheet; and

"L2" is a lateral length of the print sheet, and with the equation

$$S = (A \times N_{black-pixel}) / (L1 \times L2 \times R^2)$$

$$= N_{black-pixel} \times (M/R1)^2$$

However, the Examiner takes official notice that it is old and well known in the printing industry to use a particular algorithm, calculation, expression, equations, or formula in order to calculate costs for performing printing jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maruta et al. to include the feature of using parameters and equations for calculating the cost of a print job.

Examiner's Note

Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Conclusion

3.   The examiner has cited prior art of interest, for example:

        1) Meade, II et al. (US PG Pub. 2003/0137685), which discloses a hard copy

cost recovery systems, an apparatus for tracking usage information for a hard copy

device, hard copy devices, and a usage accounting method.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-

7076. The examiner can normally be reached on Monday -Wednesday and Friday,

10:00 AM -6:30 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628

/John W Hayes/

Supervisory Patent Examiner, Art Unit 3628